



City of Sunnyvale

Agenda Item

15-0939

Agenda Date: 1/29/2016

2016 COUNCIL STUDY ISSUE

NUMBER

CDD 16-12

TITLE Zoning Code Amendments to Clarify, Strengthen and Enforce Tree Preservation and Tree Planting Requirements for Private Property

BACKGROUND

Lead Department: Community Development
Support Department(s): Public Works

Sponsor(s):

Councilmembers: Meyering, Whittum
Board/Commission: Planning Commission

History:

1 year ago: N/A
2 years ago: N/A

SCOPE OF THE STUDY

What are the key elements of the study?

The intent of the study is to implement zoning changes to clarify, strengthen and enforce tree preservation and planting requirements for private property and development projects. The study issue is based on the Strategic Plan and findings in the Sunnyvale Urban Forest Management Plan (UFMP), which was adopted by the City Council in September 2014. The urban forest is comprised of three main groups of trees including trees located on city-owned property including parks, trees located on private property in the public right-of-way (ROW) and trees located on private property outside of the ROW. Although the UFMP includes all trees in the City, the “plan addresses all major segments of Sunnyvale’s urban forest, but is focused on the City’s Street Tree Program, which manages the street trees located in the public right-of-way.”

Since this study issue is proposed by the Planning Commission, it pertains to trees on private property as primarily regulated through the Zoning Code, Chapter 19.94, Tree Preservation, which is within the purview of this Commission. While most of the adopted actions in the UFMP pertain to street trees and trees on public property, an action that specifically pertains to private property trees and relates to this study issue is the following:

- Revise Chapter 19.94 of the Municipal Code, Tree Preservation, to specify greater protection for roots of protected trees, improve the definition of protected trees, and provide more objective standards for issuing tree removal permits.

The above action is included in the UFMP, so a study issue is not required to address this specific code amendment. Instead, this study would address other policy issues pertaining to trees on private

property, including but not limited to: increasing standards for parking lot trees and shading; increasing tree planting requirements for commercial properties; establishing programs and incentives for encouraging tree planting in residential areas; and adopting stricter standards for tree preservation, monitoring and enforcement. The study would involve researching private property tree regulations in other cities, exploring legal issues, and conducting community outreach to residents, businesses, developers and other interested parties. The overall goal is to protect the existing urban forest and increase the tree canopy coverage in Sunnyvale while balancing other city objectives. Possible outcomes of this study issue might involve zoning code amendments and a budget allocation for increased staffing or funding for new or substantially expanded existing programs, while other actions might be more operational in nature that could be enacted administratively with a minor cost for implementation.

What precipitated this study?

The Sunnyvale Urban Forest Advocates (SUFA) requested the Planning Commission to sponsor the study in order to have changes made to the zoning ordinance to implement the findings of the UFMP and increase the urban forest and tree canopy in Sunnyvale.

Planned Completion Year: 2016**FISCAL IMPACT****Cost to Conduct Study**

Level of staff effort required (opportunity cost): Moderate

Amount of funding above current budget required: \$0

Funding Source: N/A

Explanation of Cost: N/A

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

Explanation of Cost: Depending on the outcome of the study, additional staff resources may be needed to administer Zoning Code amendments and to enforce and monitor tree planting and tree preservation requirements.

EXPECTED PARTICIPATION IN THE PROCESS

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: Planning Commission

STAFF RECOMMENDATION**Position:** Defer

Explanation: Staff suggests that the initial action should be to implement the tree protection and preservation measures for private property as defined in the UFMP that can be implemented administratively, within existing resources, and without an ordinance amendment (which does not require a study issue). This would include revising Chapter 19.94 of the Municipal Code, Tree

Preservation, to specify greater protection for roots of protected trees, improve the definition of protected trees, and provide more objective standards for issuing tree removal permits. It also includes following through on a suggestion in the UFMP to develop specifications for adequate soil testing and preparation prior to tree planting on private property. The UFMP also includes recommendations pertaining to City street trees and trees on public property, which can be implemented without a study issue, but some actions might have budget implications.

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Reviewed By: Hanson Hom, Director, Community Development

Reviewed By: Manuel Pineda, Director, Public Works

Reviewed By: Kent Steffens, Assistant City Manager

Approved By: Deanna J. Santana, City Manager